



Patent Docket P5007R1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:  Wei-Qiang Gao et al. (as herein amended)  Serial No.: 09/929,769  Filed: August 14, 2001  For: <i>Compositions and Methods for the Diagnosis and Treatment of Tumor</i>	Group Art Unit: 1642  Examiner: Stephen L. Rawlings  Confirmation No.: 9616  Customer No.: 09157
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**DECLARATION OF MARK T. KRESNAK, PH.D. REGARDING MATERIAL  
DEPOSITED UNDER ATCC ACCESSION NO. 203651**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

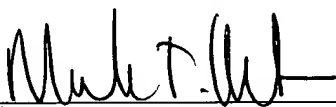
I, MARK T. KRESNAK, Ph.D., hereby state and declare as follows:

- (1) I am attorney of record in the above captioned patent application;
- (2) I have authority and control over the conditions of deposit and public access to the material deposited with the American Type Culture Collection on February 9, 1999 under ATCC Accession No. 203651;
- (3) The deposit referenced in paragraph (2) above was made with an internationally recognized depository under the provisions of the Budapest Treaty;
- (4) Upon the grant of a patent on the above captioned patent application, all restrictions upon public access to the material deposited with the American Type Culture Collection on February 9, 1999 under ATCC Accession No. 203651 will be irrevocably removed; and

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Reply to Office Action of July 14, 2003

(5) Upon the grant of a patent on the above captioned patent application, the material deposited with the American Type Culture Collection on February 9, 1999 under ATCC Accession No. 203651 will be replaced if viable samples of that deposited material cannot be dispensed by the depository.

Respectfully submitted,  
GENENTECH, INC.

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